

CITY OF ARLINGTON, WASHINGTON

AN ORDINANCE Amending Chapter 20.44.042 – Accessory Dwelling Units (ADU's) of the Municipal Code

Definition

For the purposes of this ordinance, an Accessory Dwelling Units (ADU) includes a mother-in-law quarters, guest house, granny flat, caretaker house, or rental unit.

Recital

WHEREAS it is the desire of the City Council to provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for elderly parents, providing housing for their children, companionship, security, services, or other purposes; and

WHEREAS it is the desire of the City Council to increase the supply of affordable housing units within the community for low-income people who might otherwise have difficulty finding homes within the City of Arlington; and

WHEREAS it is the desire of the City Council to provide an alternative to rental projects that create large and expensive buildings that alter the characteristics of a residential neighborhood; and

WHEREAS it is the desire of the City Council to develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and

WHEREAS it is in the best interest of the City to ensure that the development of accessory dwelling units does not cause unanticipated impacts on the character or stability of single-family neighborhoods; and

WHEREAS it is the desire of the City Council to protect neighborhood stability, property values, and single-family residential appearance of the neighborhood; and

WHEREAS it the desire of the City Council to regulate ADU's by establishing specific design standards; and

WHEREAS it is in the best interest of the City to implement comprehensive plan goals and policies encouraging infill development, more efficient use of the remaining developable land, protection of environmentally sensitive areas, and creating opportunities for more affordable housing; and

WHEREAS the City of Arlington Public Works Department shall provide, at no charge, water and sewer hookups for ADU's as per Arlington Municipal Code (AMC) 13.12 and/or Revised Code of Washington (RCW) 35.92.380, RCW 82.02.060;

NOW, THEREFORE the City Council of the City of Arlington, Washington do hereby ordain as follows:

Arlington Municipal Code Section 20.44.042 shall be and hereby is amended to read as follows:

Section 1. Applicability

A. Accessory Dwelling Unit Applicability. ADUs shall be allowed as limited uses in all residential zoning Districts if in compliance with all of the development standards contained below. ADUs shall not be allowed in association with existing single-family dwellings located within non-residential zoning districts.

B. Approval process. A proposed ADU shall be subject to development standards below and requires zoning verification.

Section 2. Development standards for accessory dwelling units

An ADU shall comply with the following standards:

A. Configuration. An ADU may be located either within, attached to, or detached from the primary structure, including the conversion of part or an entire garage into an ADU.

B. Density. Only one ADU may be created in conjunction with each single-family residence.

C. Minimum lot size. An ADU shall not be established on any parcel smaller than 4200 square feet.

D. Maximum unit size. The gross floor area, calculated from finished wall to finished wall, of an existing structure, an addition, or new detached structure, converted to, or constructed for the purpose of creating an ADU shall not exceed 30% of the gross floor area of the primary single family structure, not including garage and/or detached accessory buildings or 800 square feet (whichever is less). The total square footage of impervious surfaces on the lot (lot coverage) cannot exceed 35%.

E. Minimum unit size. The gross floor area of an ADU shall not be less than 200 square feet even if this exceeds the maximum requirement in (D) above, or as otherwise established by the requirements of the City Adopted Building Code.

F. Setbacks and lot coverage. Additions to existing structures or the construction of new detached structures, associated with the establishment of an ADU shall not exceed the allowable lot coverage or encroach into required setbacks as prescribed in the underlying zone. The applicable setbacks shall be the same as those prescribed for the primary structure, not those prescribed for detached accessory structures.

G. Scale and visual subordination. The ADU shall be visually subordinate to the primary unit. Specifically, new detached structures, or additions to existing structures, created for the purpose of establishing ADU, shall not comprise more than 40 % of the total front elevation of visible structure, including the combined ADU and primary unit. This standard does not apply for internal conversions of existing structures. The primary entrance to the ADU shall be subordinated to the main home entry and located in such a manner as to be unobtrusive from the street.

H. Parking. Off-street parking shall be located to avoid negative impacts to neighbors and community character.

I. Design and appearance. Any additions should be consistent with the architectural character of the home. An ADU, either attached or detached, shall be consistent in design and appearance with the primary structure as determined by the City staff and Planning Commission. Major exterior additions or alterations should be located to the rear of the home. Necessary fire egress stairs shall be located so that they are not visible from the street.

J. Construction standards. The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.

K. Accessibility. To encourage the development of housing units for people with disabilities, the Building Official may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the current International Building Code (IBC).

L. Cancellation. The owner may cancel the registration by filing a letter of request with the Director of Community and Economic Development (CED) for recording purposes, or as a result of enforcement action.

Section 3. Submission Requirements

The following information shall be submitted as part of an application for review:

- A. Application. Completed and signed application provided by the Department of Community and Economic Development.
- B. Impact fees and Charges. Permit-processing fee only. All standard hook-up charges for sewer and water utility tap-in charges waived (AMC 13.12, or RCW 35.92.380, RCW 82.02.060).
- C. Site plan. To-scale site plan showing the exact location of the primary residence and any accessory structures, parking, landscaping and setbacks.
- D. Floor plan. Floor plan, drawn to scale, of entire house and accessory unit within the primary residence or within free-standing accessory structure.
- E. Elevations. Elevations drawn to scale, of the accessory unit within the primary residence or within free-standing accessory structure.
- F. Covenant. Signed covenant by which the property owner affirms that he/she will occupy either the primary residence or ADU.
- G. Design Plan. Plans showing how ADU will complement in design with existing structures, specifically, siding materials, roof pitch, color and window design, as determined by City staff and Planning Commission.

Section 4. Conversions of Existing Accessory Structures

- A. Conversions of an existing structure. An existing garage structure or other outbuilding may be converted to an ADU provided that the structure complies with established setback standards for a primary structure, not accessory structure, as prescribed in the underlying zone, applicable building codes, and all other standards of this section, except the roof pitch and siding requirements described above. Conversion of such garage shall not result in the elimination of the requirement of one legal on-site parking space to serve the single family residence.
- B. Off-street parking requirements. Any off-street parking requirements for the primary residence shall be provided for elsewhere on the site in conformance with the setback, paving and other development guidelines and regulations. Off-street parking shall be located to avoid negative impacts to neighbors and community character.

Section 5. Owner Occupancy

- A. Declaring owner occupancy. Prior to issuance of a building permit or certificate of occupancy establishing an ADU, the applicant shall record a deed restriction (Covenant) in the Snohomish County Auditor's Office, a certification by the owner under oath in a form prescribed and approved by the Department of Community and Economic Development that one of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied.
- B. Owner occupancy residence requirement. The owner shall maintain residency for at least 6 months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit if absent for the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the Zoning Ordinance.

Section 6. Severability

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining parts of this ordinance.

Section 7. Effective Date

The effective date of this ordinance shall be five (5) days after the date of publication.

Section 8. Copy to Commerce Department.

Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

SIGNATURES

Passed by the City Council of Arlington, Washington, at a regular meeting thereof on this _____ day of _____, _____.

Barbara Tolbert, Mayor

ATTEST:

Kristin Banfield, City Clerk

APPROVED TO FORM:

Steven J. Peiffle, City Attorney